

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NO. 22-cv-5728

ARCHELINO T. PALPALLATOC,

Plaintiff,

v.

THE BOEING COMPANY, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF’S  
MOTION TO COMPEL**

Plaintiff, Archelino Palpallatoc, brought this employment discrimination action against his employer, The Boeing Company, alleging violations of the Washington Law Against Discrimination (“WLAD”). Currently pending before the Court is Plaintiff’s Motion for Discovery Supplementation, ECF No. 65, and Plaintiff’s FRCP 56(d)<sup>1</sup> Motion, ECF No. 69. Having reviewed the parties’ filings, the Court strikes the Plaintiff’s motion as untimely, and accordingly, Plaintiff’s 56(d) motion is moot.

On January 12, 2023, the Court issued an Order setting trial and related dates, which included a deadline for the completion of discovery by August 30, 2023. ECF No. 25. By multiple stipulated motions, the Court granted extensions to the discovery deadline, the most recent of which

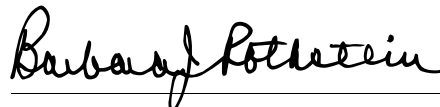
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<sup>1</sup> Referring to Federal Rule of Civil Procedure 56(d).

1 extended the discovery deadline to December 15, 2023, with a limited extension to January 10,  
2 2024 for one further witness deposition. *See* ECF No. 50. No further requests for extension have  
3 been filed.

4 According to the Court's Standing Order, ECF No. 11, "[d]iscovery disputes shall be raised  
5 in a timely manner so as to allow discovery to be completed within the discovery deadline. The  
6 failure to do so may waive a party's ability to challenge the discovery behavior." Further, this  
7 Court's Local Civil Rule 16 requires any motion to compel discovery to be filed and served on or  
8 before the discovery deadline. The parties did not raise their discovery dispute to the Court until  
9 January 18, 2024, and upon reviewing the parties' subsequent filings, it is apparent that the dispute  
10 arose prior to the end of discovery. "[W]hen parties delay discovery for any reason, they do so at  
11 their peril. Rule 29 provides the procedure for parties to cooperatively complete discovery after a  
12 court-ordered cutoff, but only by stipulated order." *Wyles v. Sussman*, 445 F. Supp. 3d 751, 756  
13 (C.D. Cal. 2020). Plaintiff's discovery motion is denied, and Plaintiff's motion to defer ruling on  
14 Defendants' summary judgment motion is moot.

15 DATED this 7th day of February 2023.

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18 Barbara Jacobs Rothstein  
19 U.S. District Court Judge  
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